

REMARKS

Review and reconsideration on the merits are requested.

Formalities

Applicant appreciate the Examiner acknowledging receipt of certified copies of the priority documents from the International Bureau (there is one priority document) and returning one PTO/SB/08.

The Prior Art

US Pat. Pub. 2005/0065489 Driskell et al. (Driskell); USPN 5,934,470 Bauer et al. (Bauer).

The Rejections

Applicant discuss the rejections in the order posed.

Claims 1-4 were rejected under 35 U.S.C. §102(e) as being anticipated by Driskell.

The Examiner's position is set forth in the Action and will not be repeated here except as necessary to an understanding of Applicant's traversal of the rejection.

Traversal

In the Action, the Examiner states:

"Driskell discloses a disposable diaper, as shown in figure 1, comprising a main body having a topsheet 14, a backsheet 12, and an absorber 16. A plurality of design prints are applied to the outer surface of the backsheet 12, as shown in figure 5A."

"The design prints have a width that is less than the width of the main body, but greater than 1/3 the width of the main body, as shown in figure 4B..."

There are, however, substantial differences between Driskell and the subject matter now claimed, as now explained.

Driskell's design pattern comprises a plurality of different aspects of the same character. Driskell's diaper is formed by using a sheet on which a plurality of a character's aspects is printed, a part of which is cut off so that at least one character's aspect remains. Specifically, diapers obtained following the teaching of Driskell will have different designs if continuously produced diapers are next to each other but their design variations are substantially limited. Further, if diapers obtained are next to each other and have different designs, their design variations are very limited, and the impression of the designs of whole diapers packed in a package to a consumer becomes almost the same.

In distinction, according to the invention set forth in claim 7 or claim 8 herein, boundary lines of design patterns (lines dividing each design) which are next to each other are very clear, and the relationship between widths and cutting intervals of the design patterns are specified. As a result, all diapers packed in a package may have different designs. Further, the impression received from a diaper's designs is entirely dissimilar from that obtained with each diaper differing from Driskell. Such effects become greater by following the subject matter of claims 9, 10 and 11.

The Examiner further points out that :

"The design print includes a curved pattern, as shown in figure 5A." in Driskell. However, the "curved manner" of claim 10 of the present application does not mean that curved lines are used for the whole figure, rather, it means that the boundary lines of design patterns are curved lines as shown in Fig. 7 of the present application. Applicants submit that the features of claim 10 are in no fashion disclosed or suggested in Driskell.

The Examiner further points out that:

“Since the design prints are applied to the outer surface of the diaper, they do not directly touch the body of the wearer.” This is correct but, Applicants submit that claim 12 is patentable for the same reasons as advanced with respect to claims 7 and 8.

As the Examiner will see, Applicants rely upon the above arguments to also traverse the rejection of claims 5-6 as obvious over Driskell in view Bauer.

Withdrawal of all rejections and allowances requested.

Basis for the claim amendments occur as follows:

Claim 7. A disposable diaper product package... an independently fed top sheet,
(lines 3 to 2 from the bottom of page 9 of the English specification)

and thereafter said back sheet is cut into a predetermined shape after an absorber is installed... (from line 2 from the bottom of page 9 to line 1 of page 10 of the specification)

and thereby a disposable diaper product main body is formed by at least... (original Claim 1 before amendment)

and a disposable diaper which design prints are applied to a position which is visible from an outer portion of said disposable diaper product main body (original Claim 1 before amendment), and is over entire length of a width direction of said disposable diaper product main body (FIGs.3-10) from a waist opening end-portion of a front body to a waist opening end-portion of a back body, (original Claim 1 before amendment)

and a plurality of said disposable diaper having different design in each other are accommodated within same package, (original Claim 5 before amendment, and in lines 18-23 of page 17 of the specification)

wherein said design prints have design pattern which designs are different in adjacent design prints surface, (FIG.3, and also FIGs.4-10)

and said design prints are continuously applied to said back sheet at the same cycle before said back sheet is cut so as to satisfy a relation “ $A > B \geq 1/3A$ ” (lines 11-14 of page 11 of

the specification and original Claim 1 before amendment), in which a width of said disposable diaper product main body is set to A and a width of a surface of said design prints surface is set to B, (original Claim 1 before amendment)

and disposable diaper which produced by using said back sheet is accommodated (lines 18-23 of page 17 of the specification).

Claim 8. (Matter disclosed in Claim 8 except for applying design prints to a waterproof film are the same as original with Claim 1. The basis is in original Claim 3 before amendment, and lines 10-17 of page 17 of the specification.

Claims 9. A disposable diaper product package as claimed in claim 7 or 8, said design pattern of said back sheet or said waterproof film is a single color (line 2 from the bottom of page 11 to line 1 of page 12 of the specification) and said color is arranged so that said adjacent design pattern becomes approximate colors close to related colors (original Claim 2 before amendment), and said disposable diaper formed by using said back sheet or said waterproof film are accommodated.

Claim 10. A disposable diaper product package as claimed in claim 9, said disposable diaper composed by using said back sheet or said waterproof film which a boundary lines of said adjacent design pattern are diagonal line shape or curved manner are accommodated.

(original Claim 4 before amendment, and lines 7-8 of page 15 of the specification)

Claim 11. A disposable diaper product package as claimed in claim 7 or 8, said design patterns of said back sheet or said waterproof film are any one of a gathering of graphic of

same configuration composed so as to be different from adjacent design pattern in each other, or a gathering of same image or picture and composed so as to be different from adjacent design pattern in each other, and said disposable diaper formed by using said back sheet or said waterproof film are accommodated.

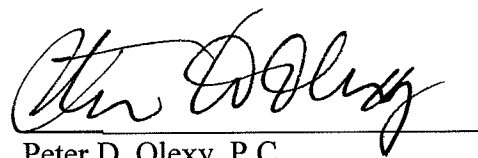
(from the last line on page 15 to line 5 of page 17 of the specification, and in FIGs.9 and 10)

Claim 12. A disposable diaper product package as claimed in claim 7 or 8, wherein said design prints are applied to a position which does not directly touch with a body of a wearer of said disposable diaper in said disposable diaper product main body.

(original Claim 3 before amendment)

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Respectfully submitted,



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